

247953

From: Randall.Dong
Sent: Tuesday, December 10, 2013 3:37 PM
To: Edwards, Nanette; Laura P. Valtorta; James.Spearman; selliott@elliottlaw.us; charles.terreni@terrenilaw.com
Cc: Nelson, Jeff; Campbell, Chad; Morgan, Willie; Hipp, Dawn
Subject: RE: B2 Holdings, LLC vs. Carolina Water Service, DN 2013-71-WS

Dear Counsel:

Earlier in this email thread, I referenced Commission Order No. 2013-660. That order is now being appealed. The Notice of Appeal is here: <http://dms.psc.sc.gov/pdf/matters/A0A91658-155D-141F-236F5A93518D2FC1.pdf>. I expect that the Supreme Court of South Carolina will ultimately decide most or all of the issues raised by the Complainant in this docket in that appeal. Please advise me as to whether the pendency of the appeal in Docket No. 2013-42-S has any effect upon the Complainant's desire to proceed with a hearing before the Commission or its Hearing Officer.

Thank you.

Randall Dong

Hearing Examiner

From: Edwards, Nanette
Sent: Friday, November 22, 2013 4:12 PM
To: Randall.Dong; Laura P. Valtorta; James.Spearman; selliott@elliottlaw.us; charles.terreni@terrenilaw.com
Cc: Nelson, Jeff; Campbell, Chad; Morgan, Willie; Hipp, Dawn
Subject: RE: B2 Holdings, LLC vs. Carolina Water Service, DN 2013-71-WS

All:

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2013 DEC 10
10:10 AM

ORS held a mediation session with Mr. Bozeman and CWS but unfortunately a resolution was not reached. Mr. Bozeman then retained Ms. Valtorta.

In summary, ORS did investigate the CWS billing to Mr. Bozeman/B2 Holdings and took the position that some reduction to the billing should have been done at that time. However, it is our understanding that

Mr. Bozeman opposes the use of the DHEC Guidelines period, and as a result, he filed the pending complaint.

ORS would be happy to host another mediation session if all the parties are willing....

Thank you.

Nanette S. Edwards

Chief Counsel, Director of Legal Services

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From: Randall.Dong

Sent: Friday, November 22, 2013 2:32 PM

To: Laura P. Valtorta; James.Spearman; selliott@elliottlaw.us; charles.terreni@terrenilaw.com; Nelson, Jeff; Edwards, Nanette

Subject: RE: B2 Holdings, LLC vs. Carolina Water Service, DN 2013-71-WS

Laura, you may be able to enlist the help of ORS in determining whether DHEC Guidelines are being applied correctly with regard to classifying your client's company for purposes of calculating SFEs. --
Randall

From: Laura P. Valtorta [<mailto:laurapv@aol.com>]

Sent: Thursday, November 21, 2013 4:34 PM

To: James.Spearman; Randall.Dong; selliott@elliottlaw.us; charles.terreni@terrenilaw.com; Nelson, Jeff; Edwards, Nanette

Cc: PSC_Attorneys; Daphne.Duke; PSC_Technical Advisory

Subject: RE: B2 Holdings, LLC vs. Carolina Water Service, DN 2013-71-WS

What category should this complaint be in?

Laura P. Valtorta
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-----Original Message-----

From: James.Spearman <James.Spearman@psc.sc.gov>

To: Randall.Dong <Randall.Dong@psc.sc.gov>; Laura P. Valtorta (laurapv@aol.com) <laurapv@aol.com>; Elliott Scott (selliott@elliottlaw.us) <selliott@elliottlaw.us>; Terreni, Charles L.A.

(charles.terreni@terrenilaw.com) (charles.terreni@terrenilaw.com) <charles.terreni@terrenilaw.com>;

Nelson, Jeff <jnelson@regstaff.sc.gov>; Edwards, Nanette <nsedwar@regstaff.sc.gov>

Cc: PSC_Attorneys <PSC_Attorneys@bcbad.state.sc.us>; Daphne.Duke <Daphne.Duke@psc.sc.gov>; PSC_Technical Advisory <psctechnicaladvisory@psc.sc.gov>

Sent: Thu, Nov 21, 2013 2:13 pm

Subject: RE: B2 Holdings, LLC vs. Carolina Water Service, DN 2013-71-WS

This complaint is the same as the complaints in Alpine and the Utilities, Inc.'s companies where the complainants argue that the DHEC Guidelines should not be used for rate setting. In every water/sewer case over the past few years the Commission has approved setting rates using the DHEC Guidelines. Unless the Commission wants a generic hearing on methodologies for setting water/sewer rates for industrial customers, there is nothing the Commission can do for Mr. Bozeman. An alternative would be

to ask ORS to verify that Mr. Bozeman's company is being charged the correct equivalents based on the DHEC Guidelines. Given the large number of categories in the DHEC Guidelines, Mr. Bozeman's company may not be in the proper category.

From: Randall.Dong

Sent: Wednesday, November 20, 2013 4:33 PM

To: Laura P. Valtorta (laurapv@aol.com); Elliott Scott (selliott@elliottlaw.us); Terreni, Charles L.A. (charles.terreni@terrenilaw.com); Nelson, Jeff; Edwards, Nanette

Cc: PSC_Attorneys; Daphne.Duke; PSC_Technical Advisory

Subject: B2 Holdings, LLC vs. Carolina Water Service, DN 2013-71-WS

Dear Counsel:

I have received Ms. Valtorta's request that we schedule this matter for a hearing. As you all may recall, I am the Hearing Examiner in this case. My recollection is that we (counsel for the parties and myself) have had a conversation about how to proceed in this matter, and that there was some preliminary discussion of dismissing this matter without prejudice with the intent of addressing the issues raised by Mr. Bozeman in the rate case now pending before the Commission. My understanding is that Mr. Bozeman does not dispute that the Utility is charging his company rates authorized by the Commission or imposed under bond as provided by statute. Rather, he disputes the fairness of the method of calculating his rate. Accordingly, I am unsure as to what relief Mr. Bozeman is requesting and what relief he believes the Commission can provide.

I urge that Counsel review Order No. 2013-660 in Docket No. 2013-42-S, as that very recent Order addresses the issues raised by Mr. Bozeman in his complaint. Here is the URL to the Order: <http://dms.psc.sc.gov/pdf/orders/C80BF3CC-155D-141F-23A589E499552575.pdf>

I invite all Counsel to advise me of their respective positions in this matter.

Thank you for your cooperation.

B. Randall Dong, Staff Counsel

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